**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.242 OF 2004**

The State of Maharashtra ...Appellant

Versus

Shambhuraj Dhondiram Pawar & Ors. ...Respondents

Shri S.R.Shinde, A.P.P for the Appellant.

Shri Sanjeev P. Kadam for the Respondent Nos.1 to 5.

**CORAM : A. S. OKA, J.**

**DATE : NOVEMBER 30, 2006.**

**P.C.:**

1. Heard the learned A.P.P for the State and the learned Advocate for the Respondents. By the impugned Judgment and Order, the Respondents have been acquitted for offence punishable under section 498-A read with section 34 of the Indian Penal Code.

2. The perusal of the impugned Judgment and Order shows that the learned Judge has considered the evidence of all the prosecution witnesses and has come to the conclusion that allegations regarding cruelty have not been established by the prosecution.

3. The learned Judge have also noted the admitted

position that the complainant wife left matrimonial home on 02nd September, 1998 and the F.I.R was lodged on 29th March, 2001. Thus, there was delay of two and half years in filing the F.I.R for which there was no plausible explanation.

4. The learned Advocate for the Respondents states that after filing of this Appeal, there was overall settlement between the first Respondent and the complainant and a divorce by mutual consent has been granted by the Civil Court on 20th June, 2005. Taking overall view of the matter, I find that no case is made out for grant of leave. Appeal is dismissed.

**JUDGE**